

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
September 8, 2015
7:10 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney Heinz

Alderman Boulton moved to approve the August 25, 2015 minutes. Alderman Winings seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

AN ORDINANCE TO CONSIDER SETTING THE TAX YEAR 2015 PROPERTY TAX LEVIES FOR FISCAL YEAR 2016 BUDGET - SECOND READING

City Manager Owens reported that the Board held the public hearing to hear public comment and also had the first reading at the August 25 Board meeting. There were no changes made since then and now it is before the Board for the second reading.

Alderman Garnholz introduced Bill No. 6511, an ordinance to approve the Property Tax Levies for Tax Year 2015 (FY2016) to be read for the second time by title only. Alderman Winings seconded.

City Attorney Heinz reads Bill No. 6511, an Ordinance Levying and Establishing the Rate of Annual Taxes for General Municipal Purposes; Police Building Debt Service; General Obligation Debt Service; and, Special Business District Purposes to be Collected by the City of Clayton, Missouri, for the Year 2015 for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6386 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING THE PROPOSED FISCAL YEAR 2016 OPERATING AND CAPITAL IMPROVEMENTS BUDGET - SECOND READING

City Manager Owens gave a brief summary of the FY2016 Budget process. The Board held a public hearing to hear public comment and had the first reading at the August 25 Board meeting.

Mayor Sanger commented that the Board has worked several months reviewing and discussing the FY2016 Budget and stressed that the City has a balanced budget.

Alderman Garnholz introduced Bill No. 6512, an ordinance to approve the FY2016 Operating and Capital Improvement Budget to be read for the second time by title only. Alderman Winings seconded.

City Attorney Heinz reads Bill No. 6512, an Ordinance Adopting an Annual Budget for the Fiscal Year 2016 Commencing on October 1, 2015 and Appropriating Funds Pursuant Thereto for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6387 of the City of Clayton.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO CHAPTER 210, ARTICLE II, SECTION 210.260 GENERAL ANIMAL, LIVESTOCK, BIRDS AND DOMESTIC FOWL REGULATIONS

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that on September 24, 2013, the Board of Aldermen amended the Domestic Fowl Regulations with the intent of ensuring greater compatibility between properties that chose to keep geese, ducks, chickens or turkeys, and those that don't, by aligning the existing ordinance with setback requirements for accessory structures and ensuring safe and sanitary conditions as set forth in the City's nuisance codes. The revised regulations also required a permit and inspection of the facilities before domestic fowl may be housed on private property.

Raising back yard domestic fowl is an extension of an urban farming movement that has gained popularity nationwide. Home-raised livestock or agriculture avoids the energy usage and carbon emissions typically associated with transporting food. The popularity is also inspired by the expanding movement to buy locally produced food, and is leading urban municipalities to allow domestic fowl with regulations to harmonize the compatibility of small scale agricultural uses located in dense urban environments.

Since the adoption of the revised Domestic Fowl Regulations in 2013, the City has issued eight Domestic Fowl Permits, each valid for three years. Since that time, City staff and the Board of Aldermen have received numerous complaints regarding the appearance of coops and pens that are visible from adjacent properties and noise complaints. The current regulations address the location and screening of coops and pens as follows:

“Coops and pens shall be effectively screened from view by pedestrians at ground level at all times by the use of an opaque fence or landscaping.”

Staff's application of this requirement has been to require screening of views from the public right-of-way, not from adjacent properties, per the City's Architectural Review Guidelines. Due to the number of complaints the City staff and Board of Aldermen have received regarding the appearance and location of coops and pens, staff has been directed to revise the current regulations to require more stringent screening from the streets and adjacent properties, and therefore proposes the language found herein. The design requirements for coops have also been enhanced to require coops to be constructed of common materials and designs associated with commercially constructed small animal enclosures. Property owners have resorted to enclosures and coops constructed of unconventional materials such as wooden pallets, trampolines, scrap lumber pieces and plastic tarps which appear to be the equivalent of junk storage on private property, rather than an appropriate enclosure for domestic fowl.

At the time of the drafting of this report, it was unknown if the Illustrations 1 and 2 could be published through the City's online Code Publisher. He stated that they were recently advised that the illustrations cannot be published through the City's online Code Publisher and therefore will be removed from the ordinance.

Staff recommends approval of the proposed ordinance.

In response to Alderman Garnholz's question, City Manager Owens referred to a statement from City Manager O'Keefe that was previously provided to the Board as follows: *"the phrase used in the ordinance is "such permit for domestic fowl may be disciplined or revoked." It is currently used in Sec. 210.260(D)(1) in the city code and is not being changed by this ordinance. The word "disciplined" would encompass corrective or retributive measures short of revocation in response to misconduct or failure to meet or maintain standards on the part of the permit holder. I assume it would include suspension for a period of time, or conditional extension pending completion of remedial actions, or imposing additional conditions on the permit in light of conduct or changed conditions, etc..."*

Alderman Berger expressed his concerns (1) with regard to allowing *"densely planted vegetation"* as a means for screenings from adjoining properties and that he is not in favor of this alternative; (2) the ratio of land to square footage, size of coops, and the allowable number of chickens.

Alderman Lintz expressed his concerns (1) allowable number of chickens per land space, size of coops, coop ventilation, and free ranging of chickens.

Alderman Winings suggested the possibility of prohibiting roosters due to the noise nuisance. Alderman Lintz agreed.

Alderman Boulton disagreed with removing vegetation as a means for screening as it can be done quite effectively when done properly.

Joyce Stenger, resident, addressed the Board stating that she has owned and maintained a number of chickens within Clayton for the last 28 years. Although she has never had any issues with her free ranging backyard chickens (and roosters) she did have one complaint with regard to a neighbor being able to see the white feathered chickens through the heavy screening from his yard. She also told a story with regard to her beehives where the Post Office requested that she move her mailbox to a different location in order to avoid the postman from being stung.

Mayor Sanger commented that Ms. Stenger is a treasured member of the community.

Walter Shifrin, resident (over 50 years) at 925 S. Central Avenue, addressed the Board stating that he is in favor of backyard chickens, but for several years he has dealt with an adjacent property that has some issues of concerns (i.e. unkempt and unsightly chicken coop(s), "roaming" chickens onto other properties, offensive smells, improper screening, crowing roosters, and the possibility of disease). He noted that there are a very few municipalities who allow roosters. He was pleased to see the stipulation of a coop design listed in the ordinance.

Song Lu, resident, chicken owner, addressed the Board with his concerns for the city to have such strict regulations (i.e. privacy fencing for screening, specific coop design, and 60 day compliance all as it relates to financial affordability). He said that due to the popularity of "green living" he feels that these regulations "kill" the option for residents to have chickens and referred to the feeling of a "military" government versus a "friendly" government.

In response to Mayor Sanger's question, Mr. Lu stated that he has eight chickens and currently no roosters and that with regard to flying chickens, if they are raised from chicks they will not fly.

Mayor Sanger commented that the chicken issue has created a conundrum and that the purpose of the ordinance is to regulate requirements to satisfy property owners, both chicken owners and non-chicken

owners. He suggested that the Board and staff continue to discuss the ordinance and requirements before voting on the issue and to therefore table Bill No. 6518 until further notice.

Alderman Garnholz moved to table Bill No. 6518. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reviewed the notes that the Board would like to see in the redraft of the ordinance: (1) remove the option for living screens; (2) better define the standards for living screens; (3) limit the number of domestic fowl based on space and recommended standards; (4) ban roosters, but allow for roosters that do not crow; and (5) consider less stringent requirements for coops if a fence is provided.

AN ORDINANCE TO CONSIDER APPROVING A THIRD QUARTER AMENDMENT TO THE FISCAL YEAR 2015 BUDGET

Janet Watson provided a brief summary to the Board on the proposed 3rd Quarter FY2015 Budget amendments previously provided to the Board.

In response to Alderman Berger's question, Patty DeForrest explained that staff is requesting authorization in order to coordinate and begin the Metropolitan Sewer District (MSD) project, including surveying, and designing the failing retaining wall project along Big Bend Boulevard.

In response to Mayor Sanger's questions, Patty DeForrest confirmed that the \$57,000 for the ice rink is now off of the FY2016 Budget.

Alderman Garnholz introduced Bill No. 6519, an ordinance to approve the third quarter FY2015 Budget amendment to be read for the first time by title only. Alderman Winings seconded.

City Attorney Heinz reads Bill No. 6519, an Ordinance Amending the Fiscal Year 2015 Budget for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6519 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6519, an ordinance to approve the third quarter FY2015 Budget amendment to be read for the first time by title only. Alderman Winings seconded.

City Attorney Heinz reads Bill No. 6519, an Ordinance Amending the Fiscal Year 2015 Budget for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6388 of the City of Clayton.

MOTION TO CONSIDER APPROVING THE DISPOSAL OF RECORDS

City Manager Owens reported that as the Board is aware, it is the recommended guideline of the Secretary of State to formally approve the disposition of records at the Board of Aldermen level.

The Human Resources Department staff is proposing to dispose of (1) Employment Applications dated 2006 through 2012; (2) Employee Timesheets dated 2007 through 2010.

The Finance Department is disposing of records as specified and provided previously to the Board.

Based on the Board's past discussions, staff has reviewed the records and confirmed that these are materials that meet the retention schedules set forth by the Secretary of State and that these records are no longer needed by staff. We have also verified that this list does not contain any records we would consider to be of an "historical" nature. Recommendation is to approve a motion to dispose of the records listed above

Alderman Garnholz moved to approve the destruction of records as specified. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

APPOINTMENT TO THE BOARDS AND COMMISSIONS

Alderman Garnholz moved to approve the recommended appointment of Peggy "Pepe" Finn to the Plan Commission/Architectural Review Board. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Berger reported that the CRSWC met and approved the proposed budget. He complimented Patty DeForrest and Toni Siering on their hard work.

Alderman Berger complimented the Fire and EMS staff in the handling of a recent 911 emergency over the weekend.

Mayor Sanger announced that the Clayton High School Homecoming is scheduled October 11th and the Board will again ride in a fire truck during the parade.

Mayor Sanger reported that he and City Manager Owens attended a meeting with regard to the potential MetroLink route extension.

There being no further business the meeting was adjourned at 8:09 p.m.

Mayor

ATTEST:

City Clerk